

A bill for an act
relating to adoption; providing for adoption of an adult by a guardian; amending
Minnesota Statutes 2008, section 259.241.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 259.241, is amended to read:

259.241 ADULT ADOPTION.

Subdivision 1. General. (a) Any adult person may be adopted, regardless of the
adult person's residence. A resident of Minnesota may petition the court of record having
jurisdiction of adoption proceedings to adopt an individual who has reached the age of 18
years or older.

(b) The consent of the person to be adopted shall be the only consent necessary,
according to section 259.24. The consent of an adult in the adult person's own adoption
is invalid if the adult is considered to be a vulnerable adult under section 626.5572,
subdivision 21, or if the person consenting to the adoption is determined not competent to
give consent.

(c) The decree of adoption establishes a parent-child relationship between the
adopting parent or parents and the person adopted, including the right to inherit, and also
terminates the parental rights and sibling relationship between the adopted person and the
adopted person's birth parents and siblings according to section 259.59.

(d) If the adopted person requests a change of name, the adoption decree shall
order the name change.

Subd. 2. Adoption by guardian. Notwithstanding subdivision 1, paragraph (b),
and section 259.24, subdivision 4, an individual who is a guardian of an adult person may
adopt the person as provided in this subdivision and, if the adoption is approved by the

2.1 court, no other consent is necessary. Notice of the hearing on the petition must be given to
2.2 interested persons, as defined in section 524.5-102, subdivision 7, and the ombudsman for
2.3 mental health and developmental disabilities. The court shall allow interested persons
2.4 to participate in the hearing or to submit affidavits supporting or opposing the petition.
2.5 In determining whether it would be in the best interests of the person to be adopted to
2.6 grant the petition, the court shall consider the relationship between the petitioner and
2.7 the person to be adopted, the reasons for the proposed adoption, and the testimony and
2.8 affidavits of interested persons.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.